

### **REMARKS**

Claim 108 is canceled. Claims 11 and 12 have been amended. Claims 11-15 and 109-114 remain pending in the application. Applicant reserves the right to pursue the original and other claims in this and other applications. Applicant respectfully requests reconsideration in view of the above amendments and the following remarks.

Claims 11-15 and 109-114 stand rejected under 35 U.S.C. § 102(e), as being anticipated by or, in the alternative, under 35 U.S.C § 103(a) as obvious over U.S. Patent 6,449,239 (Uno). The rejections are respectfully traversed.

Claim 11 has been amended to indicate that the “silver material [is] in contact with the chalcogenide material,” and that “the barrier material [is] essentially transparent to ultraviolet radiation.” Similarly, claim 12 has been amended to indicate the “metal material [is] in contact with the chalcogenide material,” and that “the barrier material [is] essentially transparent to ultraviolet radiation.” Uno does not disclose, teach or suggest these elements.

The previous Office Action characterized Uno’s recording layer 204 and reflective layer 107 as the chalcogenide material and silver/metal materials of claims 11 and 12. (Office Action mailed 7/2/2007 at page 2). Even assuming that characterization were correct, which it is not, Uno’s reflective layer 107 is not “in contact with” recording layer 204. On the contrary, Uno’s recording layer 204 is separated from reflective layer 107 by interface layer 203, protective layer 202, separating layer 109 and thermal diffusion layer 108. (Uno, FIG. 8; col. 11, lns. 27-45). Therefore, Uno does not disclose, teach or suggest the “silver [or metal] material [is] in contact with the chalcogenide material.”

Claim 11 is not obvious over Uno, either. It would not have been obvious to remove all of the interspaced layers of Uno to place reflective layer 107 “in contact with” recording layer 204. In fact, doing so would render Uno inoperable for its intended purpose, and where “[a] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” MPEP

§2143.01. Uno is directed to dual-layer optical disk technology. Each of the layers—interface layer 203, protective layer 202, separating layer 109 and thermal diffusion layer 108—has a distinct and important purpose. (Uno, col. 11, lns. 27-63). For instance, separating layer 109 is provided to specifically “separate the first medium 101 and second medium 201” and is required “to have a thickness ... so that in recording and reproduction of one medium, crosstalk from the other medium can be suppressed to such a small degree as to be neglected.” (Uno, col. 11, lns. 45-63). Removing this layer, for instance, renders Uno inoperable as recording and reproduction would be impossible due to crosstalk. Therefore, claim 11 is not obvious over Uno.

Claims 110-114 depend from claim 11 and are allowable for the same reasons as well as on their own merit. Likewise, claims 13-15 and 109 depend from claim 12 and are allowable for the same reasons as well as on their own merit. Accordingly, applicant respectfully requests the rejection be withdrawn and claims 11-15 and 109-114 be allowed.

Claim 11 stands rejected under 35 U.S.C § 103(a) as unpatentable over admitted prior art (APA) in view of U.S. Patent 4,809,044 (Pryor) or U.S. Patent 6,449,239 (Uno). The rejections are respectfully traversed.

Applicant respectfully disagrees with the Office Action’s statement that “in the real world there would be a barrier layer or protection layer over the silver electrode of APA figures 1A-1D.” (Office Action at 2). Even if Applicant were to concede that some barrier or protection layer would be present “over the silver electrode of APA figures 1A-1D,” as the Office Action suggests, none of Uno, Pryor, or the APA discloses, teaches or suggests that the “barrier material [would be] on the silver [or metal] material ... [and] essentially transparent to ultraviolet radiation,” as recited in claims 11 and 12. Therefore, claim 11 is allowable over the cited combination. Accordingly, applicant respectfully requests the rejection be withdrawn and claim 11 be allowed.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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